

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

CHARLES WAYNE SCOTT	§	
v.	§	CIVIL ACTION NO. 2:06cv394
MARION COUNTY COURTS, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Charles Scott, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Scott sued the Marion County courts and former district attorney James Finstrom, complaining that he had been sentenced to three years in prison, apparently for driving while intoxicated. On October 23, 2006, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed, noting that the “Marion County courts” were not a suable entity in their own name, that he had shown no basis for liability on the part of Marion County itself, and that Finstrom was entitled to prosecutorial immunity for his actions in pursuing a criminal prosecution against him. Scott received a copy of the Magistrate Judge’s Report on October 31, 2006, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

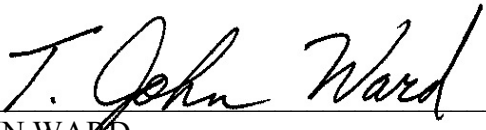
The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. 28 U.S.C. §1915A. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 14th day of December, 2006.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE